IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 4TH SEPTEMBER 2007 / 13TH BHADRA 1929

RP.No. 713 of 2007(I)IN W.P.(C).No.20247/2005

AGAINST THE JUDGEMENT/ORDER IN WPC.20247/2005 Dated 02/07/2007
OA.99/1998 of LAND TRIBUNAL, ERNAKULAM
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REVIEW PETITIONER/PETITIONER:

RATNAVALLY AMMA, KANICHIYATH HOUSE,
CHERAI P.O., ERNAKULAM DISTRICT.

BY ADV. DR.K.P.KYLASANATHA PILLAY
SMT.SREEDEVI KYLASANATH
SRI.K.GOPAKUMAR
SRI.PRAKASH P.GEORGE
SRI.K.JITHIN

RESPONDENTS/ RESPONDENTS:
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1. **LAND TRIBUNAL REPRESENTED BY ITS CHAIRMAN, ERNAKULAM.**
2. **ANNAM, W/O.KAITHARAN VARGHESE, CHERAI MURIYIL, PALLIPPURAM VILLAGE.**
3. **MARY, D/O.ANNAM, CHERAI MURIYIL, PALLIPPURAM VILLAGE.**
4. **ROSY, D/O.ANNAM,CHERAI MURIYIL, PALLIPPURAM VILLAGE.**
5. **AUGUSTINE, S/O.ANNAM, CHERAI MURIYIL, PALLIPPURAM VILLAGE.**
6. **ABRAHAM @ EMPY, S/O.ANNAM,CHERAI MURIYIL PALLIPPURAM VILLAGE.**

R1 GOVERNMENT PLEADER SMT.R.BINDU
R2 TO R6 BY ADV. SRI.T.R.ASWAS
SRI.ANIL KUMAR SREEDHARAN

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 04/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN,J

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R.P.No.713 of 2007

in

W.P.(C).No.20247 of 2005

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Dated this the 4th day of September, 2007

ORDER

This review petition is field to review the order passed by me on 2.07.2007. It was a writ petition against the order of the Land Tribunal whereby it held that execution cannot be done with respect to the property. The reason was that area comes under the purview of the Coastal Area Protection Act. At that time the learned counsel for the writ petitioner submits that it is not so and that he will be able to establish before the Tribunal that it does not come under the Coastal Area Protection Act. So, in order to facilitate the writ petitioner to convince the authorities regarding that point I set aside the order passed and directed the Land Tribunal to consider the matter afresh after affording equal opportunities to both sides. Now the learned counsel for the writ petitioner wants to contend before me that the Land Tribunal has no authority to hold so and it cannot go beyond the scope of the original order. Change of circumstances

or subsequent events are matters which any authority will be confronted with and matter have to be considered. So, I also found that point has to be considered and never held that the Land Tribunal cannot consider it at all. Under Order 47 Rule I of the Code of Civil Procedure unless there is an apparent error on the face of the record or that a new matter which in spite of due deligence could not be brought to the notice of the court or for any other sufficient reason a review cannot be ordered. I do not find any of the circumstances prevailing in this case which calls for a review of the order passed by me earlier. Therefore, the review petition is dismissed.

M.N.KRISHNAN,JUDGE

dvs